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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,497	08/21/2002	Steven M Blair		9592
7590 08/27/2007 STEVEN M. BLAIR 3434 E. 7590 SOUTH			EXAMINER	
			CHIN, CHRISTOPHER L	
SALT LAKE CITY, UT 84121			ART UNIT	PAPER NUMBER
			1641	
			MAIL DATE	DELIVERY MODE
			08/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/089,497	BLAIR, STEVEN M			
Office Action Summary	Examiner	Art Unit			
	Christopher L. Chin	1641			
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet w	ith the correspondence address			
· •	IVIC CET TO EVEIDE AA	AONTHIÓN OR THIRTY (20) RAVO			
A SHORTENED STATUTORY PERIOD FOR REPI WHICHEVER IS LONGER, FROM THE MAILING I Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNI. 136(a). In no event, however, may a d will apply and will expire SIX (6) MO tte, cause the application to become A	CATION.  reply be timely filed  NTHS from the mailing date of this communication.  BANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 05.	June 2007.	·			
2a)⊠ This action is <b>FINAL</b> . 2b)□ Thi	This action is <b>FINAL</b> . 2b) This action is non-final.				
3) Since this application is in condition for allowed	ance except for formal mat	ters, prosecution as to the merits is			
closed in accordance with the practice under	Ex parte Quayle, 1935 C.I	D. 11, 453 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>5,6 and 9-28</u> is/are pending in the a	pplication.				
4a) Of the above claim(s) is/are withdra	awn from consideration.	·			
5)⊠ Claim(s) <u>5,6 and 10-28</u> is/are allowed.					
6)⊠ Claim(s) <u>9</u> is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/	or election requirement.				
Application Papers					
9) The specification is objected to by the Examin	ner.				
10)☐ The drawing(s) filed on is/are: a)☐ ac	cepted or b) objected to	by the Examiner.			
Applicant may not request that any objection to the	e drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the corre	·				
11) The oath or declaration is objected to by the E	Examiner. Note the attache	d Office Action or form PTO-152.			
Priority under 35 U.S.C. § 119		· · · ·			
12) Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C.	§ 119(a)-(d) or (f).			
a) All b) Some * c) None of:					
<ul><li>1. Certified copies of the priority documer</li><li>2. Certified copies of the priority documer</li></ul>		Application No.			
3. Copies of the certified copies of the prior					
application from the International Burea	•	Treceived in the Hadenar Stage			
* See the attached detailed Office action for a lis		received.			
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview	Summary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No	(s)/Mail Date Informal Patent Application			
Information Disclosure Statement(s) (PTO/SB/08)     Paper No(s)/Mail Date	6) Other:				

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Walt et al.

  Walt et al (US Patent 6,210,910 B1) discloses an optical fiber biosensor array.

  The biosensor array is incorporated into a fiber optic array. The distal end of each fiber strand in a fiber optic bundle or fiber optic array is chemically etched so as to create a cavity or microwell. Each microwell contains living cells (col. 6, lines 21-41). The optical fibers have core diameters ranging from 1.6 to 100 um (col. 11, lines 59-63).

## Allowable Subject Matter

3. Claims 5, 6, and 10-28 are allowed.

## Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher L. Chin whose telephone number is (571) 272-0815. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher L. Chin Primary Examiner Art Unit 1641

8/19/07